

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

DIANA WILLIS and  
GEORGE WILLIS,

Plaintiffs,

vs.

Civ. No. 13-280 KG/KK

GOVERNMENT EMPLOYEES INSURANCE COMPANY,  
GEICO GENERAL INSURANCE COMPANY,  
BOB SMITH, KATHY BROWN,  
DANIEL ULIBARRI, and BERKSHIRE HATHAWAY, INC.,

Defendants.

ORDER TO SHOW CAUSE

This matter comes before the Court *sua sponte*. Federal Rule of Civil Procedure 4(m)<sup>1</sup> provides in part:

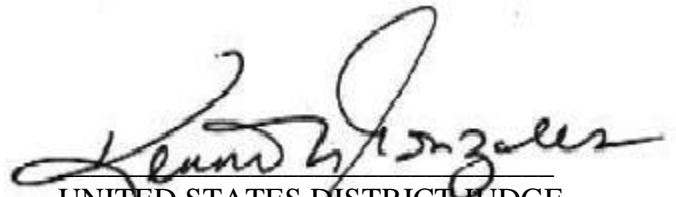
If a defendant is not served within 120 days after the complaint is filed, the court-on motion or on its own after notice to the plaintiff-must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Plaintiffs filed this action on February 6, 2013, and a summons was issued as to Bob Smith on July 8, 2013. *See* (Doc. 1-1). The record, however, reflects that Plaintiffs have not served process on Bob Smith as required by Rule 4(m). The Court finds that in order to avoid dismissal without prejudice of this action against Bob Smith, Plaintiffs must, within twenty days of the date of entry of the Order to Show Cause, either effect service on Bob Smith or show good cause why service cannot be effected within that time.

---

<sup>1</sup> This is the Rule in effect at the time Plaintiffs filed their complaint in 2013. Rule 4(m) was recently amended effective December 1, 2015.

IT IS, THEREFORE, ORDERED that within twenty days of the entry of this Order to Show Cause Plaintiffs must perfect service of process on Bob Smith, or show good cause why service has not been perfected on Bob Smith and why this cause should not be dismissed without prejudice.



UNITED STATES DISTRICT JUDGE